



## REPORT/RECOMMENDATION

<b>To:</b> MAYOR AND COUNCIL	<b>Agenda Item #</b> <u>IV. C.</u>
<b>From:</b> Wayne D. Houle, PE Director of Engineering	<input checked="checked" type="checkbox"/> <b>Action</b> <input type="checkbox"/> <b>Discussion</b> <input type="checkbox"/> <b>Information</b>
<b>Date:</b> July 17, 2012	
<b>Subject:</b> Resolution No. 2012-86 Findings Of Fact Denying A Request For Vacation Of Right-Of-Way Natchez Avenue and West 41 <sup>st</sup> Street	

### Recommendation:

Adopt attached Resolution No. 2012-86 Findings Of Fact Denying A Request For Vacation Of Right-Of-Way Natchez Avenue and West 41<sup>st</sup> Street.

### ATTACHMENTS:

Resolution No. 2012-86



**RESOLUTION NO. 2012-86  
DENYING THE VACATION OF  
PUBLIC RIGHT OF WAY OF SEGMENTS OF  
NATCHEZ AVENUE AND WEST 41<sup>ST</sup> STREET**

**WHEREAS**, a petition was received on May 9, 2012 from one property owner at 4166 Monterey Avenue requesting the vacation of existing public right-of-way of Natchez Avenue between Monterey Avenue and south property line of Lot 15, Block 4, of Minikahda Vista, Third Addition, Morningside Minnesota, and West 41<sup>st</sup> Street from Natchez Avenue to Monterey Avenue; and

**WHEREAS**, the petitioning property owner owns only a small segment of the property abutting the right-of-way that the petitioner has asked to be vacated; and

**WHEREAS**, after two weeks published and posted notice was given and the hearing was held on June 19, 2012, at which time all persons desiring to be heard were given an opportunity to be heard thereon; and

**WHEREAS**, the City Council has determined that the easement may be needed for access to adjacent property by pedestrians, bicycles and motorized vehicles; and

**WHEREAS**, the Council finds that is not in the best interest of the City and of the public that the vacation be made:

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Edina, Hennepin County, Minnesota, that the following described right-of-ways is not vacated:

**EASEMENT 1. LEGAL DESCRIPTION OF PUBLIC RIGHT-OF-WAY TO BE VACATED:**

That part of Natchez Avenue South lying southerly of a line parallel with and 100.00 feet south of the westerly extension of the south line of 41<sup>st</sup> Street West and lying westerly of a line lying 50.00 feet westerly of the easterly right of way line of Monterey Avenue, formerly known as Oakdale Avenue, as dedicated in the plat of WILLIAM SCOTT'S ADDITION, all according the recorded plat thereof, Hennepin County, Minnesota.

**EASEMENT 2. LEGAL DESCRIPTION OF PUBLIC RIGHT-OF-WAY TO BE VACATED  
CONDITION ON RETAINING DRAINAGE AND UTILITY EASEMENT:**

That part of Natchez Avenue South lying southerly of the westerly extension of the north line of Lot 14, Block 4, "MINIKAHDA VISTA, THIRD ADDITION, MORNINGSIDE MINNESOTA", and lying northerly of a line parallel with and 100.00 feet south of the westerly extension of the south line of 41<sup>st</sup> Street West together with that part of 41<sup>st</sup> Street West lying easterly of Natchez Avenue South and westerly of the southerly extension of the easterly line of Lot 12, said Block 4, "MINIKAHDA VISTA, THIRD ADDITION, MORNINGSIDE MINNESOTA", all according to the recorded plat thereof, Hennepin County, Minnesota.

Dated: July 17, 2012

Attest: \_\_\_\_\_  
Debra A. Mangen, City Clerk

\_\_\_\_\_  
James B. Hovland, Mayor

**ENGINEERING DEPARTMENT**

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STATE OF MINNESOTA )  
COUNTY OF HENNEPIN)SS  
CITY OF EDINA )

CERTIFICATE OF CITY CLERK

I, the undersigned duly appointed and acting City Clerk for the City of Edina do hereby certify that the attached and foregoing Resolution was duly adopted by the Edina City Council at its Regular Meeting of July 17, 2012 and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
City Clerk